

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

COOPERVISION, INC.,	§	
	§	
	§	
v.	§	Civil Action No. 2:06-CV-149
	§	Civil Action No. 9:06-CV-260
CIBA VISION CORPORATION,	§	
	§	JUDGE RON CLARK
	§	
	§	
Defendant.	§	
	§	
	§	

ORDER

Before the court is CIBA Vision Corp.'s Motion to Clarify and Consolidate Claim Construction Schedule [Doc. #42]. The Motion is **GRANTED** in part and **DENIED** in part.

Plaintiff seeks a modified schedule that will allow a preliminary list of thirty asserted claims that will then be adjusted to a final list of twenty asserted claims. Defendant proposes a modified schedule to align the P.R. 4 dates in the two cases.

The issue of twenty asserted claims was discussed at the case management conference for Civil Action 9:06-CV-260 ("the 260 action") and Civil Action 2:06cv149 ("the 149 action") held on January 3, 2007. There will not be a wholesale modification of that issue at this time. The court is not going to change dates in the 149 action which were set in the Order of October 16, 2006 and have not previously been objected to. The following Amended Scheduling Order will apply.

DEADLINES

March 7, 2007

Plaintiff shall limit the number of asserted claims to no more than **twenty (20) representative claims** for both the 260 action and the 149 action and notify the accused infringer and the court; **the claims to be presented at trial shall be limited to these asserted claims, unless good cause is shown to modify this order.**

March 21, 2007	Parties to exchange proposed terms and claim elements for construction in the 260 action (P.R. 4-1).
April 4, 2007	Parties to exchange preliminary proposed claim construction and extrinsic evidence supporting same in the 260 action (P.R. 4-2).
April 23, 2007	Joint Claim Construction and Prehearing Statement for both cases to be filed (P.R. 4-3). Provide an estimate of how many pages are needed to brief the disputed claims.
May 4, 2007	Completion date for discovery on claim construction on both cases (P.R. 4-4).
May 15, 2007	Opening claim construction brief on both cases (P.R. 4-5(a)).
May 15, 2007	Submit technology synopsis on both cases .
May 29, 2007	Responsive claim construction brief on both cases (P.R. 4-5(b)).
June 5, 2007	Reply claim construction brief on both cases (P.R. 4-5(c)).

All other deadlines and requirements remain unchanged and are governed by the original Scheduling Order in each case.

So **ORDERED** and **SIGNED** this 9 day of February, 2007.



Ron Clark, United States District Judge